

Exhibit "A"
AFFIDAVIT
of
ERICK L. PINEGAR
TASK FORCE OFFICER
BUREAU OF ALCOHOL, TOBACCO & EXPLOSIVES

I, Eric L. Pinegar, your affiant, being duly sworn and deposed, state the following:

1. I am a Task Force Officer (TFO) with the U. S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and I have been so designated for approximately two (2) years. I have been employed by the Springfield, Missouri Police Department (SPD) as an Officer for the past fourteen (14) years, and I am currently assigned to the Special Investigations Unit. I have conducted and participated in numerous investigations concerning the illegal possession of firearms and violations of controlled substance conspiracy laws.

2. As a result of my training and experience as an ATF Task Force Officer, I am familiar with federal criminal laws and know that it is a violation of Title 18 USC § 922 (g)(1), for anyone who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

3. This affidavit is made for the limited purpose of establishing probable cause in support of a Criminal Complaint alleging that Brandon D. MCDONALD participated in the criminal offense of being a Previously Convicted Felon in Possession of a Firearm, in violation of Title 18 U.S.C. § 922(g)(1). Since this Affidavit is for the limited purpose of establishing

probable cause to support the Criminal Complaint, it contains only a summary of relevant facts. I have not included each and every fact known to me concerning the entities, individuals, and the events described in this Affidavit.

4. Brandon D. MCDONALD is further identified as being a male, 6' 2"/210 lbs, DOB: 07/04/1985, black hair, brown eyes, SSN: XXX-XX-5692.

5. A computerized criminal history check revealed MCDONALD was arrested by the SPD on September 13, 2010, for felony Possession of a Controlled Substance (Class C felony). A final disposition for the case showed MCDONALD was convicted of this offense in the 31st Judicial Circuit Court of Greene County, Missouri.

6. The criminal history check also revealed MCDONALD was arrested by a City of St. Louis, State of Missouri, police officer on October 17, 2011, for Unlawful Use of a Weapon (Class D felony). A final disposition for the case showed MCDONALD was convicted of that offense in the 22nd Judicial Circuit Court of the City of St. Louis, Missouri, and received two (2) years imprisonment in the Missouri Department of Corrections.

7. On April 6, 2016, at approximately 0352 hours, SPD Officers E. Dye (1737) and J. Whitehead (1649) were dispatched to 1904 W. Lee, Springfield, Missouri, in reference to a burglary in progress. According to the dispatch, the person involved in the burglary was Brandon MCDONALD who was seen with a handgun and driving black vehicle. As SPD Officers arrived, they observed a black 2007 Chevrolet Impala leaving the area of the burglary. A check of the license plate of the fleeing vehicle indicated it was registered to Amber HORNE. The SPD Officers recognized the driver as MCDONALD and initiated an investigative traffic stop near Atlantic and Elizabeth Streets. MCDONALD stopped the vehicle and was observed reaching around the center console area prior to exiting the vehicle. Upon exiting the vehicle

MCDONALD dropped a bag of suspected marijuana on the ground which was seized as evidence. MCDONALD was arrested for Possession of a Controlled Substance.

8. The officers searched the vehicle and located: under front driver's seat— a Taurus brand, PT 140 Missouri del, .40 caliber semi-automatic pistol, serial number SIY57033, Containing (10) rounds of Hornady brand .40 caliber ammunition; in the center console— an additional magazine for the Taurus firearm containing (10) rounds of Hornady brand ammunition; and in the trunk— five (5) bags containing suspected methamphetamine weighing approximately 102 grams from a men's shoe and a bag containing suspected marijuana weighing approximately 20 grams from a men's shoe.

9. In a post *Miranda* interview conducted by Cpl. Chad White (961), MCDONALD admitted going to "Paul and Kelley's house," to buy a computer from Catherine. MCDONALD asked if the residents said he was there "Harassing them." He admitted to being pulled over by police upon leaving the residence driving his girlfriend, Amber HORNE's, vehicle. MCDONALD claimed the marijuana that had fallen from his lap as his own, but denied knowledge of any other controlled substances in the car stating, "It wasn't anywhere near my body." MCDONALD stated that the gun in the car belonged to HORNE.

10. At approximately 1035 hours Cpl. White contacted Amber HORNE by telephone. HORNE claimed she had purchased a .40 caliber firearm the day prior at the mall [Battlefield Mall, Springfield, Missouri] and had left it in the glove box of her vehicle. HORNE did not know the make or model of the firearm she had purchased, nor could she account for how it ended up under the driver's seat.

11. At approximately 1220 hours Cpl. Chad White (961) responded to 1904 W. Lee and interviewed witness, Catherine Canevale. Catherine admitted she had spoken with

MCDONALD after he arrived to the residence about selling him a computer. She sat in the front passenger seat of the vehicle he was driving, and MCDONALD was seated in the driver's seat. Catherine observed MCDONALD in possession marijuana, Xanax pills, and saw a bag of methamphetamine in the driver's side floor. As the two were talking Catherine observed a handgun fall out of the sling MCDONALD was wearing on his right arm. Catherine asked him about the gun and he replied that he always had a "Thumper" with him.

12. TFO Pinegar responded to MC Sports in the Battlefield Mall, 2825 S. Glenstone, Springfield, Missouri, and obtained documentation completed by HORNE on April 3, 2016, where she had purchased a Taurus brand, PT 140 Missouri, .40 caliber semi-automatic pistol with serial number SIY57033. TFO Pinegar obtained surveillance video showing HORNE, MCDONALD and another unidentified individual inside MC Sports at the firearms counter. MCDONALD was observed on video handling numerous firearms at the firearms sale's counter and then paying cash at the checkout counter for the purchase of the above firearm as well as a box of Hornady brand .40 caliber ammunition.

13. On April 8, 2016, I examined the firearm and determined it was a firearm as defined by Title 18 USC 921(a)(3)(A). I test-fired the firearm and found it to be operable.

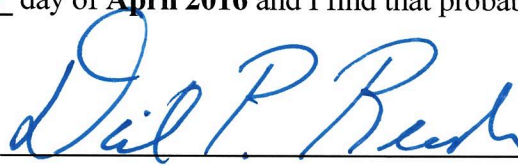
14. On April 8, 2016, I provided ATF Special Agent Brian Fox with detailed information regarding the above seized firearm. Special Agent Fox has received specialized training in the determination of the interstate movement of firearms and ammunition. Special Agent Fox concluded the firearm was not manufactured in the State of Missouri. Special Agent Fox therefore concluded that the firearm possessed by Brandon D. MCDONALD in Springfield, Greene County, in the Western District of Missouri, would have traveled in, or affected, interstate or foreign commerce to arrive in Missouri.

15. Based upon the above information, your affiant believes that on April 6, 2016, Brandon D. MCDONALD illegally possessed a firearm that had shipped or transported in interstate commerce, after having been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18 U.S.C. § 922 (g)(1).



ERIC L. PINEGAR
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to and subscribed to me this 21st day of **April 2016** and I find that probable cause exists.



DAVID P. RUSH
United States Magistrate Judge
Western District of Missouri